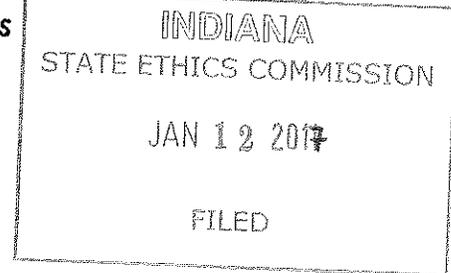




INDIANA OFFICE OF
Community & Rural Affairs
Where Rural Matters



IC 4-2-6-11

Post-employment waiver

As the Appointing Authority of the Office of Community and Rural Affairs (OCRA), I am filing this waiver of the application of the Code of Ethics' post-employment restriction as it applies to Geoff Schomacker in his post-employment with Ball State University.

I understand that I must file and present this waiver to the State Ethics Commission at their next available meeting. I further understand that this waiver is not final until approved by the State Ethics Commission.

A. This waiver is provided pursuant to IC 4-2-6-11(g) and specifically waives the application of *(Please indicate the specific restriction in 42 IAC 1-5-14 (IC 4-2-6-11) you are waiving):*

- IC 4-2-6-11(b)(1): 365 day required "cooling off" period before serving as a lobbyist.
- X IC 4-2-6-11(b)(2): 365 day required "cooling off" period before receiving compensation from an employer for whom the state employee or special state appointee was engaged in the negotiation or administration of a contract and was in a position to make a discretionary decision affecting the outcome of such negotiation or administration.
- IC 4-2-6-11(b)(3): 365 day required "cooling off" period before receiving compensation from an employer for which the former state employee or special state appointee made a directly applicable regulatory or licensing decision.
- IC 4-2-6-11(c): Particular matter restriction prohibiting the former state employee or special state appointee from representing or assisting a person in a particular matter involving the state if the former state officer, employee, or special state appointee personally and substantially participated in the matter as a state worker. *(Please provide a brief description of the specific particular matter(s) to which this waiver applies below):*

B. IC 4-2-6-11(g)(2) requires that an agency's appointing authority, when authorizing a waiver of the application of the post-employment restrictions in IC 4-2-6-11(b)-(c), also include specific information supporting such authorization. Please provide the requested information in the following five (5) sections to fulfill this requirement.

1. Please explain whether the employee's prior job duties involved substantial decision-making authority over policies, rules, or contracts:

Geoff Schomacker is currently employed as Deputy Director of the Office of Community and Rural Affairs (OCRA). In this capacity, Mr. Schomacker serves as second in command to the agency appointing authority (sometimes referred to herein as the Executive Director), and is involved in setting and accomplishing OCRA's vision and strategic priorities.

In general, the decision making role on State of Indiana funded contracts with OCRA are reserved for the Executive Director. The Deputy Director neither signs the contracts nor administers them. He does not monitor the performance of entities with which OCRA has contracted.

This general principle applies to in the specific case of the two active contracts (A159-14-PSC-001RED & A159-16-PSC-204) between OCRA and Ball State University, executed April 2014 and January 2016 respectively. Mr. Schomacker is named in the Notice Provision of these contracts. By being named as notice recipient, he is contractually designated to receive periodic progress reports and financial claim vouchers. However, in practice, the OCRA Project Managers receive and review these documents. The Project Managers use the information in the contracts to ensure completion of work, and to brief the Executive Director and others on the OCRA Senior Staff, including but not limited to the Deputy Director. The Project Managers are also responsible for handling the financial claims, which includes reviewing, approving or working with the vendor on edits, and transferring to the centralized accounting department for payment. Mr. Schomacker does not supervise the Project Managers.

Outside of the nominal notice recipient designation, Mr. Schomacker has not been the final decision maker or signatory for the contracts. Nor has Mr. Schomacker been involved in any regulatory or licensing decisions that have applied to Ball State (given that OCRA has not made any such decisions with regard to Ball State).

With regard to policy-making at OCRA, the OCRA Senior Staff (of which Mr. Schomacker is a part) are expected to offer opinions and advice to the Executive Director. OCRA prides itself on being a nimble and responsive agency, and therefore puts a priority on leadership that can generate ideas which might enhance OCRA's ability to meet its mission, vision and strategic priorities. Following generation and discussion, the Executive Director is responsible for evaluating these ideas and determining the strategic direction of the agency.

2. Please describe the nature of the duties to be performed by the employee for the prospective employer:

Mr. Schomacker has been offered a position as project manager for the Indiana Communities Institute at Ball State University (Ball State). The project manager role

would serve Hoosiers by developing and delivering educational programming for local units of government and other community leaders.

Specifically, his duties are anticipated to include the following:

- a) Supporting activities with the federal Economic Development Administration (EDA) University Center (UC) designation of Ball State University. The EDA-supported UC program is specifically designed to marshal the resources located within colleges and universities to support regional economic development strategies in regions of chronic and acute economic distress. The UCs, which EDA considers long-term partners in economic development, are required to devote the majority of their funding to respond to technical assistance requests originating from organizations located in the economically distressed portions of their service regions.
 - b) Facilitating community conversations to identify and leverage assets to increase the quality of place and spur community and economic development
 - c) Developing new community economic development educational programming for leaders, professional staff, and volunteers in Hoosier communities
 - d) Supporting the Rural Policy Research Institute (RUPRI) state policy program focused to provide rural policy leaders with powerful, proven tools to enhance rural research, practice and public policy at the state level. The ultimate goal is to create more vibrant rural communities and increased prosperity in Indiana's rural regions and ultimately, throughout the country.
- 3. Please explain whether the prospective employment is likely to involve substantial contact with the employee's former agency and the extent to which any such contact is likely to involve matters where the agency has the discretion to make decisions based on the work product of the employee:**

Mr. Schomacker's prospective employment is not likely to have substantial contact with OCRA. First, he would not have any interaction with either of the two active Ball State contracts referenced above.

Second, Mr. Schomacker's potential future duties (as articulated above in Section 2) are complementary, not supplementary, to OCRA's suite of services for rural Indiana. Therefore, while it may be likely that OCRA and Mr. Schomacker and Ball State will find themselves attending the same rural community development event, they would be attending in distinct capacities, and serving as the subject matter expert on different service sets. Rather than a negative, OCRA anticipates that these complementary offerings would have a beneficial compounding impact on the rural community served.

4. Please explain whether the prospective employment may be beneficial to the state or the public, specifically stating how the intended employment is consistent with the public interest:

The role which Mr. Schomacker has been offered at the Indiana Communities Institute of Ball State has the potential to have significant positive impacts for the general public of Indiana. Three direct opportunities immediately appear:

- a. Having a passionate, experienced leader to lead the efforts around the UC designation will impact economic development strategies in regions of chronic and acute economic distress in rural Indiana. In some cases, this might mean improving an existing strategy. In others, it could mean working with a community to create a strategy where one never existed.
- b. His work at RURPI could result in public policy adopted by Indiana's legislature, which would positively impact distressed areas of rural Indiana.
- c. Mr. Schomacker's experience in facilitating conversations among local units of government around big picture community and economic development challenges will create a bridge between various constituencies that may not often talk with each other, such as citizens, local government, business.

Indirectly the general public is benefited because Mr. Schomacker would be taking his talents to another entity in the public sector. Ball State is a state educational institution, which by its nature, is an entity created to serve the greater public good.

d. Please explain the extent of economic hardship to the employee if the request for a waiver is denied:

Mr. Schomacker's economic hardship is that there are few, if any, opportunities outside the public sector in community economic development outside of (a) state government and (b) institutions of higher education, Ball State being the most significant. Denying this waiver would foreclose Mr. Schomacker's alternate opportunity for employment and have the effect of locking him into state government or forcing him to elect a different career path in order to exit. OCRA believes the state ethics laws are designed to prevent unseemly behavior, not to unintentionally force retention for employees like Mr. Schomacker who desire to continue to serve the public through a different outlet.

Denying the waiver leaves Mr. Schomacker in a position which is vulnerable not only with each election cycle, but with each changing of leadership staff in the Lt. Governor's Office. As a member of OCRA leadership, his position is always one which is subject to the risks of the political cycle. As the primary breadwinner in his family, this comes with significant potential economic hardship to Mr. Schomacker.

Finally, it is clear that Mr. Schomacker is attracted to this opportunity for reasons other than financial gain. Based on OCRA's assessment, this position would place Mr. Schomacker in essentially the same financial position as he would find himself in 2017 with OCRA. While his salary would be \$82,000 versus \$79,560 (post-2017 P4P), he will

have to commute to Muncie. The job will also require extensive statewide travel, which OCRA understands will be in his personal vehicle, as opposed to the state vehicle and rental options he is afforded now. Based on the passion for rural Indiana which Mr. Schomacker has demonstrated throughout his tenure at OCRA, OCRA believes Mr. Schomacker is sincerely interested in the Ball State role due to this continued passion about helping Indiana communities achieve their community economic development goals.

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C. Signatures

1. Appointing authority/state officer of agency

By signing below I authorize the waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(A). In addition, I acknowledge that this waiver is limited to an employee or special state appointee who obtains the waiver before engaging in the conduct that would give rise to a violation.



William S. Konyha, Executive Director

December 30, 2016
DATE

2. Ethics Officer of agency

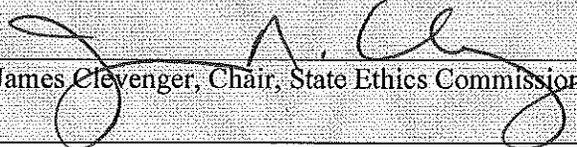
By signing below I attest to the form of this waiver of the above-specified post-employment restrictions pursuant to IC 4-2-6-11(g)(1)(B).



Mark J. Wuellner, Ethics Officer

December 30, 2016
DATE

D. Approval by State Ethics Commission

FOR OFFICE USE ONLY	
Approved by State Ethics Commission	
 James Clevenger, Chair, State Ethics Commission	<u>1/12/17</u> Date

Mail to:
Office of Inspector General
315 West Ohio Street, Room 104
Indianapolis, IN 46202
OR
Email scanned copy to: info@ig.in.gov

Upon receipt you will be contacted with details regarding the presentation of this waiver to the State Ethics Commission.